

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: CA1073

Koki UCHIYAMA

Appln. No.: 09/870,581

Group Art Unit: 2167

Confirmation No.: 9236

Examiner: M. LE

Filed: May 30, 2001

For: **DISTRIBUTED MONITORING SYSTEM PROVIDING KNOWLEDGE SERVICES**

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Koki Uchiyama, hereby declare and state as follows:

1. I am a citizen of Japan (a WTO member country), and the sole inventor named in the above-captioned U.S. Application No. 09/870,581, filed May 30, 2001, which claims priority at least to U.S. Application No. 60/208,394 filed May 30, 2000.
2. Well prior to April 7, 2000, the U.S. Filing Date of U.S. Patent Application No. 09/544,772, which materialized into U.S. Patent 6,757,661 to Blaser et al., I conceived the invention as described and claimed in the above referenced application in Japan, as evidenced by the following:
3. Prior to April 7, 2000, having earlier conceived the idea as set forth in the specification of the above referenced application, I discussed my idea with the Japanese law firm of Chu-Oh

Atty. Docket No.: CA1073
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/870,581

International Attorneys at Law, which recommended for me to file a patent application in the United States.

4. Prior to April 7, 2000, I prepared a document that included the subject matter of my invention. This document is attached as Exhibit A. In accordance with the requirements under U.S. law, the dates of this document have been hidden. Exhibit A discloses various details of my invention, including the features disclosed in at least the pending independent claims 1, 2, 21 and 22 of the present application. More specifically, at least pages 14, 17-23, 25, 26, 40 and 41 of Exhibit A disclose the features recited in claims 1, 2, 21 and 22 of the present application.

5. From prior to April 7, 2000 until April 10, 2000, I personally met with the Menlo Park, California office of Sughrue Mion, PLLC, where we discussed the necessary required information for filing the U.S. patent application. At that time, I requested for Sughrue Mion, PLLC to review my disclosures and to start preparation of a draft provisional application.

6. During the time from April 10, 2000 until May 9, 2000, Sughrue Mion, PLLC engaged in the review of my invention disclosure and started the preparation of a draft application in the ordinary course of business.

7. From May 9, 2000 until May 15, 2000, I personally met with Sughrue Mion, PLLC in their Menlo Park, California office. At that time, we discussed the draft application. In response to the request of Sughrue Mion, PLLC, I prepared additional explanation materials between May 9 – May 15, 2000, which are attached as Exhibit B.

Atty. Docket No.: CA1073
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/870,581

8. From May 15, 2000 until the filing of the U.S. patent application on May 30, 2000, the attorneys of Sughrue Mion, PLLC continued to prepare the draft application for my review in the ordinary course of business. I reviewed the draft application and provided comments thereto in the ordinary course of business, and authorized the filing of the provisional application.

9. In the ordinary course of business and in due course, Sughrue Mion, PLLC filed the provisional application in the U.S. Patent Office and forwarded copies thereof to me on May 30, 2000. U.S. Application No. 09/544,772 was subsequently filed, properly claiming priority to the above-described provisional application. A copy of the letter from Sughrue Mion, PLLC reporting the filing of the provisional application is attached as Exhibit C.

10. In view of the foregoing, it is clear that I, the named inventor of the above-captioned application, invented the subject matter of the claims prior to the April 7, 2000 U.S. filing date of U.S. Patent No. 6,757,661.

11. In the above referenced U.S. patent application which I conceived well prior to April 7, 2000, diligence was exercised from at least just prior to April 7, 2000 to the constructive reduction to practice of the invention on May 30, 2000, by filing the U.S. Patent Application No. 60/208,394.

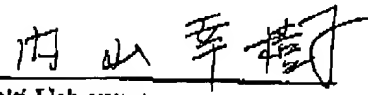
I hereby declare further that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

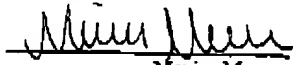
Atty. Docket No.: CA1073
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/870,581

United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Feb/06/2006


Koki Uchuyama

<p>CERTIFICATE OF FACSIMILE TRANSMISSION</p> <p>I hereby certify that this DECLARATION UNDER 37 C.F.R. § 1.131 is being facsimile transmitted to the U.S. Patent and Trademark Office this 6th day of February, 2006.</p> <p> Monica Moreno</p>
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